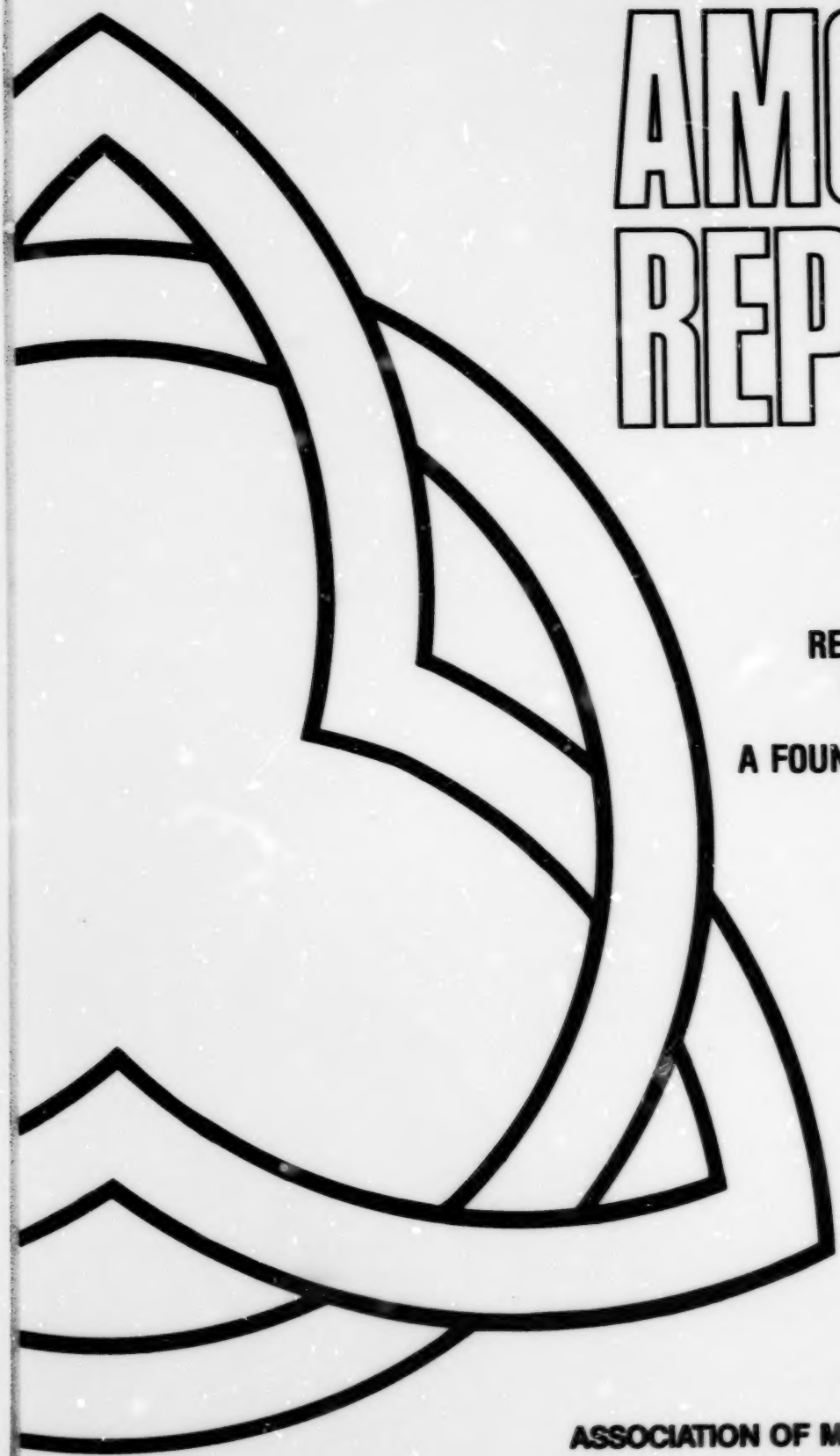

AMO REPORTS 83-8

RESPONSE TO THE ONTARIO PUBLIC LIBRARY SYSTEM CONSULTATION PAPER: A FOUNDATION FOR THE FUTURE

ASSOCIATION OF MUNICIPALITIES OF ONTARIO
MAY 1983

ASSOCIATION OF MUNICIPALITIES OF ONTARIO

The Association of Municipalities of Ontario, a non-partisan voluntary organization, is united to promote the values of the municipal government system and the status of the municipal level of government as a vital and essential component of the total intergovernmental framework of Ontario and Canada.

The Association acts as the collective voice of Ontario's municipal governments and is organized to accomplish through cooperation and coordination, what the majority have neither the time nor the resources to do individually.

The Association represents some six hundred (600) municipal governments throughout Ontario. The governing body is composed of some eighty (80) municipal elected and appointed officials, who in turn represent a wide-range of municipal government interest.

The following sections and affiliated municipal professional associations form an important part of the Association's structure and therefore, play an important part in its activities in terms of the Board of Directors, program and policy development:

Association Sections:

* County and Regional Section
* Large Urban Section
* Northern Ontario Section (FONOM/NOMA)
* Rural (ROMA) Section
* Organization of Small Urban Municipalities Section

Association Affiliates:

* Association of Municipal Clerks and Treasurers of Ontario
* Association of Municipal Tax Collectors of Ontario
* Municipal Engineers Association
* Ontario Municipal Administrators Association
* Ontario Municipal Personnel Association
* Ontario Municipal Social Services Association
* Society of Directors of Municipal Recreation of Ontario

To the Municipal Clerk:

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"AMO Reports 83-8" was submitted to the Honourable Claude Bennett, Minister of Municipal Affairs and Housing and the Honourable Bruce McCaffrey, Minister of Citizenship and Culture on June 6, 1983.

A RESPONSE TO THE ONTARIO PUBLIC LIBRARY SYSTEM CONSULTATION PAPER: A FOUNDATION FOR THE FUTURE

1. INTRODUCTION

A Foundation for the Future, a consultation paper issued in December of 1982 by the Ministry of Citizenship and Culture, states the Ministry's principles relative to public library services, outlines the Ministry's goals and objectives with respect to the provision of library services, makes recommendations and suggests proposals and policies relative to the administration, structure and funding of public libraries and defines the roles of those responsible for the provision of library services.

The Association of Municipalities of Ontario (AMO) has repeatedly asked the Provincial Government to give municipalities greater authority for the administration of public libraries and more control over the allocation and expenditure of funds for the provision of library services (AMO's Response to the Bowron Report (1976); AMO Reports 9: Special Purpose Boards and Commissions (1980); AMO Reports 12: Public Libraries in the 1980's (1980); and, AMO Reports 57: Ontario Public Libraries Program Review (1981)). This report will examine the extent to which the Ministry's consultation paper has addressed these and other issues and the extent to which the proposals made are satisfactory to the Association.

2. PRINCIPLES OF PUBLIC LIBRARY SERVICE IN ONTARIO

The first principle stated in the consultation paper reads as follows:

> "1. Public library service is a municipal responsibility. Municipalities are recognized as the primary focus for financial support of public library service in Ontario."[1]

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1 A Foundation for the Future; Ministry of Citizenship and Culture, Province of Ontario; December, 1982; page 6.

The first part of this principle is a formal declaration by the Ministry that the responsibility for the provision of public library services lies with municipalities. It recognizes the ability of municipalities to provide basic library services at the local level. While recognizing this ability the consultation paper falls short of providing municipalities with complete administrative and fiscal control locally. It also fails to recognize the role of the Provincial Government in the provision of library services. Both of these matters will be addressed later in the report.

The second part of this "principle" recognizes the substantial financial contribution which municipalities have made to public libraries in the past. What it does not recognize is the growing cost of providing an expanding public library service while having access to limited sources of revenue. If, as suggested in the final report of the Ontario Public Library Programme Review, these services are to be provided without charge to Ontario residents, it will become increasingly more difficult for municipalities to maintain the current level of financial support for public libraries. If municipalities are to maintain their current level of financing or perhaps, as has been the case with other services, be asked to accept an even greater financial responsibility in this area, they must have access to other sources of revenue. Municipalities require the flexibility to adopt user fee policies and utilize other revenue sources to fund library services. The Association believes that free access to libraries and the free use of books and reference materials within the library facility by the public should be maintained but that municipalities should be allowed the flexibility to adopt a fee policy with respect to any other service provided by the public library, if they so desire.

Therefore, AMO recommends:

1. That municipalities be permitted to utilize methods of funding other than property tax and provincial per capita grants (e.g. user fees) to enable them to deliver an expanding public library service and continue to be the primary focus for the financial support of public libraries.

Principle #2 as stated in the consultation paper states, in part, that the role of the public library is:

"c) to meet the informational needs of the community;"[2]

This appears to be contradictory to the Ministry's present practice of funding "community information centres" both within public libraries, and, outside of and apart from public libraries.

This apparent contradiction will no doubt cause concerns and raise questions among municipalities, community information centres and public library boards as to who is responsible for meeting the "informational" needs of the community.

Therefore, AMO recommends:

2. That the Ministry of Citizenship and Culture define the roles and responsibilities of public libraries and community information centres in meeting the informational needs of the community.

The delegation of this responsibility to public libraries would mean that much of the financial responsibility for providing the service would be transferred to municipal council. This would be unacceptable to AMO for reasons previously stated. As such, AMO reiterates recommendation #11 from AMO Reports 57: Ontario Public Library Program Review:

> "11. That any changes in the functions and responsibilities of public libraries be developed in consultation with municipal government representatives and be subject to the approval of affected municipal councils."

The Association questions the inclusion of paragraphs d) and e) of principle #2 as roles of the public library system. Paragraph d) asks that public libraries "... support the cultural activities of groups and individuals". There are at present a multitude of public and private agencies (schools, churches,

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2 Ibid, page 6.

museums, service clubs, private clubs, art galleries, etc.) which provide support for cultural activities and to identify this as the role of public libraries is unnecessary.

Paragraph e) implies that some persons do not make "constructive use" of their leisure time. The definition of "constructive use" is surely a personal matter when speaking of the use of leisure time. It is not a matter which should be assigned, as a role, to any level of government or any public or private agency.

Therefore, AMO recommends:

3. That paragraphs d) and e) of principle #2 as presented in the consultation paper, A Foundation For The Future, be deleted.

The Association agrees, in principle, with the principles of accessibility (#3) and cooperation (#4) as outlined in the consultation paper.

3. PROVINCIAL GOVERNMENT AND PUBLIC LIBRARY SERVICE

This section of the consultation paper concludes with a statement of the goal and objectives of the Provincial Government with respect to library services. Although the Association has no concerns with respect to the goal and objectives, as stated on page 8 of the Ministry's paper, it is concerned with some of the statements made in the preamble of this section.

The preamble identifies the delivery and financing of library services as being a municipal responsibility. The Association has consistently expressed its belief that basic library services could best be provided at the local level. At the same time AMO has recognized that specialized services should be developed on a larger scale, such as the regional library or provincial level. As such, rather than library service being solely a municipal responsibility, as is implied in the consultation paper, in Section II, Principles of Public Library Service in Ontario, principle #1, AMO believes that public library services are a cooperative responsibility of both the provincial and municipal governments, each with distinctly different roles yet requiring the utmost in terms of cooperation between the two.

Therefore AMO recommends:

4. That any document outlining the principles of public library service in Ontario recognize the role of both the municipal and provincial governments in the provision of public library services and the need for cooperation between the two.

With respect to financing the Association is pleased that the consultation paper has recognized the extent to which municipalities have given financial support to libraries in the past. The Association is confident that this support will continue in the future but it is concerned with what it sees as an attempt by the Province to limit and in fact decrease financial support to programs which it has historically funded. Throughout the consultation paper reference is made to municipalities being the "primary focus of financial support" (emphasis added). The library services requested by the public are becoming more diverse, more specialized and more costly, while municipal revenue sources continue to be inadequate and much less flexible than Provincial sources in terms of their ability to generate revenue. The Association believes that the present service levels can be maintained and built upon only by maintaining maximum flexibility within present funding mechanisms and by allowing municipalities to adopt new and unique approaches to funding library services if and when these are appropriate.

Therefore, AMO recommends:

5. That the Provincial Government continue to provide per capita library grants and that these grants be unconditional other than the necessity to utilize those monies in the delivery of public library services, until such time as significant progress is made towards grants reform and deconditionalization; and that the level of per capita grants for libraries be reviewed annually and revised in recognition of the changes in the cost of delivering public library services.

6. That the provisions provided in Sections 26 and 27 of the Public Libraries Act, R.S.O. 1980, Chapter 414, be maintained in any new public library legislation.

Sections 26 and 27 of the Public Libraries Act state that public libraries must be open to the public, free of charge, and that the public must be given free use of the circulating and reference books. These Sections of the Act also provide the authority to charge fees to those non-residents wishing to use the public library services, or, to the public generally for services other than "... use of the circulating and reference books..." in the public library. Recommendation #6 requests that these options be maintained and recommendation #1 asks for increased flexibility in this regard.

The preamble to the statement of the Provincial goal and objectives also makes reference to enabling legislation which would permit municipalities to "... develop library service to a level consistent with their local needs ...". The Association would welcome such legislation but it believes that this statement is inconsistent with other proposals in the consultation paper related to the administration and operation of public libraries. By legislating the administrative structure to be utilized by municipalities in the delivering of public library services, placing restrictions on the availability of per capita grants and stating policy guidelines which specify, among other things, minimum weekly hours of operation, the Provincial Government is in fact restricting the capabilities of the municipality to provide services "... consistent with their local needs ...".

Therefore, AMO recommends:

7. That the Provincial Government allow municipalities to determine the administrative structure and operational standards best suited to the delivery of public library services at the local level.

4. POLICY GUIDELINES TO MUNICIPALITIES AND PUBLIC LIBRARY BOARDS

The Association is not opposed to the Ministry of Citizenship and Culture preparing policy guidelines to assist municipalities in the formulation of policies to govern local library services. In fact, AMO has cooperated with other Ministries on several occasions in the development of "policy guidelines" for municipalities. However, the policy guidelines proposed, rather than

providing general guidelines to assist municipalities, establish, in many cases, operating standards and administrative procedures. Such things as studies that should be undertaken on a regular basis, minimum hours of operation, required equipment, accessibility requirements and administrative procedures all contribute to the cost of providing the service and detract from the ability of the municipality to respond to local needs. The Association believes that such provisions should not be included in policy guidelines.

Therefore, AMO recommends:

8. That policy guidelines 1, 6, 7, 8, 9, 12, 13 and 15 as presented in Section IV of the Ministry of Citizenship and Culture consultation paper entitled, A Foundation for the Future be deleted from any policy guidelines issued by the Ministry with respect to public libraries.

5. MAJOR ISSUES

5.1 Municipal Public Library Boards

The provisions outlined in the consultation paper for the appointment of public library boards do provide for the members of that board to be appointed by the municipal council. However, while the preamble to this proposal recognizes the financial commitment of municipalities to libraries and the need to increase communication with and accountability to municipal council, it does not give municipalities the authority to determine the administrative structure which best suits municipal needs, as previously requested by AMO. The consultation paper gives no rationale for maintaining the status quo with respect to either library boards or the use of a "Private Member's Bill" to establish an alternative administrative structure.

Further, the Ministry states in the consultation paper that it is unable to determine what user benefits have resulted from the appointment of school board representatives to library boards. Still the Ministry proposes to continue to require school board representation in the case of boards

serving a population over 10,000. The proposal calls for the appointment of three school board representatives, a situation which could create considerable problems in areas where two school boards (separate and public) exist. The Association believes that municipal council should have the unrestricted authority to make all appointments related to the administration of local public libraries.

Therefore AMO recomends:

9. That municipal councils be given the authority to determine the type of administrative structure to be employed to deliver public library services at the municipal level, and to make all appointments to any board, committee or agency established for the purpose of providing local public library services with no restrictions as to numbers or representation.

10. That this authority not be subject to the passage of a Private Member's Bill.

5.2 County Library Systems

The Association supports the recommendations of the consultation paper related to county library systems. One aspect of a county system which is not addressed in the Ministry's recommendations is the continuing operation of local public libraries under a county system. The Association believes that all existing, operating local libraries be retained and continue to operate unless, or, until such time as the local municipality agrees to its closure.

Therefore AMO recommends:

11. That all local libraries within a county system remain in operation unless the municipal council of the municipality in which a library is situated agrees to its closure.

The consultation paper recommends the following with respect to county library systems:

> "the facilities of local libraries within the county system would be retained by the municipal jurisdiction which established them".[3]

This statement implies that the facilities (assets and liabilities) of a local public library board are, in fact, the property of the municipality that established the library. The Association feels that this should be stated in legislation so as to be explicit.

Therefore AMO recommends:

12. That the Public Libraries Act be amended to state that the assets and liabilities of a public library are deemed to be the assets and liabilities of the establishing municipality.

5.3 Non-Operating (Pro Forma) Library Boards

AMO supports the recommendation to phase out the per capita grants to non-operating library boards, provided the three options outlined in the consultation paper continue to be available to these municipalities. The Association believes that the timing of an action such as this should be contingent upon the formal adoption of such a policy by the Provincial Government. That is, there should be at least a one year period between the adoption of such a policy and the time that it becomes effective. This would allow municipal councils time to make alternative arrangements for the delivery of library services.

Therefore AMO recommends:

13. That, if a policy of not providing per capita grants to non-operating library boards is adopted by the Provincial Government, it not come into effect for a period of one fiscal year.

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3 Ibid, Page 12.

14. That the three options outlined in the consultation paper for non-operating library boards for the delivery of library services, namely, contractual arrangements, union libraries and county libraries, be maintained.

5.4 Regional Library Systems

AMO takes this opportunity to reiterate its concerns with the use of the term "regional" and the resulting confusion amongst persons outside of the library community. The presence of regional municipal governments in Ontario, the increased emphasis being placed on upper-tier (county) library boards by the Provincial Government and the close association between municipalities and public libraries have, in the past, and will continue, in the future, to contribute to this confusion.

Therefore AMO recommends:

15. That the Provincial Government discontinue the use of the term "regional" library system.

With respect to those items which are to be addressed in new legislation, as indicated on Page 20 of the consultation paper, Section V(D) Structure for Regional Library Systems, Part 2, the Association reserves the right to comment further after it has had an opportunity to review any proposed legislation. The matters in question include the role, objectives, policies, funding, and boundaries of regional libraries.

With respect to the appointment of regional library trustees, the Association believes that municipal representation is essential if the regional library is to be responsive to local program and service needs.

Therefore AMO recommends:

16. That the existing provisions in the Public Libraries Act, Section 39(2), related to the appointment of regional trustees by municipalities having a population greater than 15,000, be maintained.

6. PROVINCIAL LIBRARY SERVICE

The Association concurs with the proposals contained within the consultation paper with respect to provincial library services provided that any programs related to library services, which would have an impact on municipalities, be developed in consultation with municipal representatives.

Therefore AMO recommends:

17. That the Ministry of Citizenship and Culture consult with municipalities when developing programs which would have an impact on the delivery of public library services at the local level.

7. CONDITIONS FOR PROVINCIAL LIBRARY GRANTS

The Association continues to support increased deconditionalization of Provincial transfer payments to municipalities.

8. ONTARIO PROVINCIAL LIBRARY COUNCIL

AMO supports the recommendation that the Ontario Provincial Library Council be maintained as an advisory body to the Minister. Given the responsibilities that municipalities have assumed with respect to the provision of public library services, the Association believes it is necessary for there to be municipal government representation on the Council.

Therefore AMO recommends:

18. That the composition of the Ontario Public Library Council include a representative of municipal government in Ontario.

9. SUMMARY OF RECOMMENDATIONS

1. That municipalities be permitted to utilize methods of funding other than property tax and provincial per capita grants (e.g. user fees) to enable them to deliver an expanding public library service and continue to be the primary focus for the financial support of public libraries.

2. That the Ministry of Citizenship and Culture define the roles and responsibilities of public libraries and community information centres in meeting the informational needs of the community.

3. That paragraphs d) and e) of principle #2 as presented in the consultation paper, A Foundation For The Future, be deleted.

4. That any document outlining the principles of public library service in Ontario recognize the role of both the municipal and provincial governments in the provision of public library services and the need for cooperation between the two.

5. That the Provincial Government continue to provide per capita library grants and that these grants be unconditional other than the necessity to utilize those monies in the delivery of public library services, until such time as significant progress is made towards grants reform and deconditionalization; and that the level of per capita grants for libraries be reviewed annually and revised in recognition of the changes in the cost of delivering public library services.

6. That the provisions provided in Sections 26 and 27 of the Public Libraries Act, R.S.O. 1980, Chapter 414, be maintained in any new public library legislation.

7. That the Provincial Government allow municipalities to determine the administrative structure and operational standards best suited to the delivery of public library services at the local level.

8. That policy guidelines 1, 6, 7, 8, 9, 12, 13 and 15 as presented in Section IV of the Ministry of Citizenship and Culture consultation paper entitled A Foundation for the Future be deleted from any policy guidelines issued by the Ministry with respect to public libraries.

9. That municipal councils be given the authority to determine the type of administrative structure to be employed to deliver public library services at the municipal level, and to make all appointments to any board, committee or agency established for the purpose of providing local public library services with no restrictions as to numbers or representation.

10. That this authority not be subject to the passage of a Private Member's Bill.

11. That all local libraries within a county system remain in operation unless the municipal council of the municipality in which a library is situated agrees to its closure.

12. That the Public Libraries Act be amended to state that the assets and liabilities of a public library are deemed to be the assets and liabilities of the establishing municipality.

13. That, if a policy of not providing per capita grants to non-operating library boards is adopted by the Provincial Government, it not come into effect for a period of one fiscal year.

14. That the three options outlined in the consultation paper for non-operating library boards for the delivery of library services, namely, contractual arrangements, union libraries and county libraries, be maintained.

15. That the Provincial Government discontinue the use of the term "regional" library system.

16. That the existing provisions in the Public Libraries Act, Section 39(2), related to the appointment of regional trustees by municipalities having a population greater than 15,000, be maintained.

17. That the Ministry of Citizenship and Culture consult with municipalities when developing programs which would have an impact on the delivery of public library services at the local level.

18. That the composition of the Ontario Public Library Council include a representative of municipal government in Ontario.

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